

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID CRESS,

Defendant.

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CASE NO. 8:09CR419

**MEMORANDUM
AND ORDER**

Before the Court are the Amended Findings and Recommendation of Magistrate Judge Thomas D. Thalken (Filing No. 51). No objections have been filed. Under 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of the record and adopts the Findings and Recommendation their its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Amended Findings and Recommendation (Filing No. 51) are adopted in their entirety;
2. The Defendant's motion to dismiss (Filing No. 28) is denied, in accordance with the Findings and Recommendation; and
3. The Magistrate Judge's Findings and Recommendation (Filing No. 49) are denied as moot.

DATED this 10th day of August, 2010.

BY THE COURT:

S/ Laurie Smith Camp
United States District Judge